HONOURABLE SRI JUSTICE P. S. NARAYANA

WRIT PETITION No.21165 OF 2006

DATE: 30-10-2006

Between:

B. Malakonda Reddy, S/o. Konda Reddy,
aged about 59 years, Sarpanch,
Nagasamudram Gram Panchayat,
Kaligiri Mandal, Nellore District.

.. Petitioner

AND

The Superintendent Engineer,
Panchayat Raj Circle, Nellore,
Nellore District & another

.. Respondents

ORDER:

Heard the learned counsel.

At the request of the learned counsel on record, the Writ Petition is being disposed of finally.

The Writ Petition is filed for Writ of *Mandamus* declaring the action of the respondents in not entrusting the permanent restoration works of Seethamma Tank and Ooracheruvu Tank of Nagasamudram Gram Panchayat, Kaligiri Mandal, Nellore District to the Gram Panchayat Committee pursuant to the Resolutions passed by the Gram Panchayat dated 02-06-2006 even though the Gram Panchayat Committees are fully entitled to execute the works in pursuance of G.O. Ms. No.123 dated 10-10-2005 and works have to be completed before completion of monsoon

season, as illegal, arbitrary, violative of Articles 14, 19 and 21 of the Constitution of India and issue consequential directions to the respondents to entrust the said works to the said Gram Panchayat Committees forthwith and pass suitable orders.

It is stated by the learned Government Pleader for Irrigation representing the 2nd respondent that the resolutions said to have been passed by the Gram Panchayat dated
02-06-2006 are not received by the respondents and the learned Government Pleader also would submit that if the resolutions are placed before the 2nd respondent, appropriate action can be taken in pursuance thereof. The same is hereby recorded.

In view of the same, the writ petitioner is given liberty to place the appropriate resolutions referred to supra before the 2nd respondent within one week from the date of the receipt of this order and the 2nd respondent to take appropriate decision on the strength of such resolutions in accordance with law within a period of two weeks thereafter.

With the above directions, the Writ Petition is disposed of. No orders as to costs.

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P. S. NARAYANA, J

Date:30-10-2006.

NOTE:

Furnish C.C. of the order by WIRE
at party's costs.

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PV